

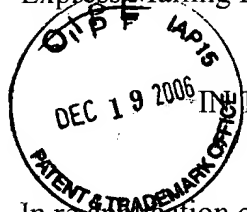
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Express Mailing Label No. EV 882 547 733 US

PATENT APPLICATION

Docket No: 13447.46



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

E. Marlowe Goble

Patent No: 6,994,725

09/970,559

Issue Date: February 7, 2006

Confirmation No.: 1489

For: METHOD AND APPARATUS FOR  
RECONSTRUCTING A LIGAMENT

Examiner: Javier G. Blanco

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) Art Unit  
) 3738  
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PETITION TO EXCUSE ERROR IN SMALL ENTITY STATUS AND PAYMENT OF  
DEFICIENCY OWED PURSUANT TO 37 CFR § 1.28

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

The above-identified patent was filed in the United States Patent and Trademark Office on October 3, 2001 with a claim to small entity status. Small entity payments were made up through issuance of the patent in 2006. Applicant respectfully submits that the small entity status was established in good faith and that the fees as a small entity were paid in good faith. It was subsequently determined, however, that the status of small entity was lost in spring of 2004. Accordingly, applicant hereby petitions that the error in claiming small entity status be excused

pursuant to 37 CFR § 1.28(c).

12/21/2006 SLUANG1 00000008 09970559  
01 FC:1801 790.00 OP  
02 FC:1253 1020.00 OP  
03 FC:1253 1020.00 OP  
04 FC:1202 300.00 OP

12/21/2006 SLUANG2 00000001 09970559  
01 FC:1501 1400.00 OP

Set forth below is an itemization of the deficiency payment.

Type of Fee Paid	Date Paid	Current Fee for Non-Small Entity	Small Entity Fee Actually Paid	Difference
RCE Fee	09/20/2004	790	385	405
Extension of Time (3)	09/20/2004	1020	475	545
Extension of Time (3)	05/31/2005	1020	510	510
Excess claim fee	06/21/2005	550	150	400
Issue Fee	11/16/2005	1400	700	700
Deficiency Owed				\$2560

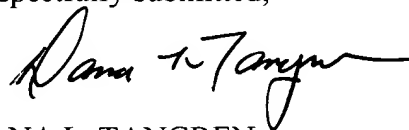
In view of the foregoing, the total deficiency payment owed has been calculated to be \$2,560. It is noted that the excess claim fee should have been paid by applicant at the time of filing the RCE fee on September 20, 2004. Although the fee was unintentionally omitted by the applicant, the Patent Office charge the fee to applicant's deposit account on June 21, 2005.

Enclosed herewith please find Form PTO-2038 submitting the required payment of \$2,560. Applicant has endeavored to determine the deficiency payment with due diligence. If a discrepancy is detected in the calculation of the deficiency payment, the Patent Office is hereby authorized to deduct any further required payment or to apply any overpayment to deposit account no. 23-3178. A duplicate copy of this paper is enclosed.

Finally, pursuant to 37 CFR § 1.28(d), applicant requests that this submission be treated as a notification of loss of entitlement to small entity status.

Dated this 19<sup>th</sup> day of December 2006.

Respectfully submitted,



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Fax: (801) 328-1707

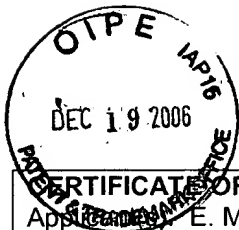
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02 FC:2253 -475.00 OP

Adjustment date: 12/21/2006 SLUANG1  
06/03/2005 ZJUHLRI 00000009 09970559  
01 FC:2253 -510.00 OP

Adjustment date: 12/21/2006 SLUANG1  
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01 FC:2202 WAI344158.00 CR 0000020909V001.DOC

Adjustment date: 12/21/2006 SLUANG2  
11/18/2005 MBERIE1 00000017 09970559  
01 FC:2501 -700.00 OP



CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)					Docket No.	
Applicant: E. Marlowe Goble					13447.46	
Patent No.	Issue Date	Confirmation No.	Customer No.	Examiner	Group Art Unit	
6,994,725	02/07/2006	1489	022913	Blanco	3738	
Invention: METHOD AND APPARATUS FOR RECONSTRUCTING A LIGAMENT						
<p>I hereby certify that the following are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, PO Box 1450, Arlington, Virginia 22313-1450.</p> <p>DATED this 19<sup>th</sup> day of December 2006.</p> <ul style="list-style-type: none"><li>• Petition to Excuse Error in Small Entity Status and Payment of Deficiency (2 pages)</li><li>• Form PTO-2038 submitting Credit Card Payment in the amount of \$2,560</li><li>• Postcard</li></ul> <p>DANA L. TANGREN</p> <p>(Typed or Printed Name of Person Mailing Correspondence)</p> <p></p> <p>(Signature of Person Mailing Correspondence)</p> <p>EV 882 547 733 US</p> <p>(“Express Mail” Mailing Label Number)</p>						